

1907-007 Chancery Causes: L. T. Hyatt vs. Mary D. Greene
Lee Co.

Morgan, Green

CA - Contract Dispute
T - Property

- Deed

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orator, L. T. Hyatt, a citizen of said county, respectfully represents that by deed dated the 20th day of May, 1904, M. G. Ely, Special Commissioner in the chancery cause then pending in said court entitled "G. W. Blankenship vs. Wm. Greene et als." conveyed to your orator an undivided half interest in a certain tract or parcel of land lying on Blackwater, in Lee County, Virginia, known as the Daugherty and Vanzant lands. Said deed is herewith exhibited as a part of this bill marked exhibit No. 1. The record of the chancery cause of G. W. Blankenship vs. Wm. Greene et als. and also of the chancery cause entitled H. J. Morgan vs. Wm. Greene et al. which two causes were heard together for some years are hereby referred to and asked to be treated as evidence with this bill.

From the record in the said causes and especially the amended bill of said G. W. Blankenship and the proceedings had thereunder it will be seen that on the _____ day of _____, 19 __, the said Wm. Greene conveyed to his son C. H. Greene a one half interest in the said tract of land, but that the certificate of acknowledgment of said deed was such as to render the recordation thereof of no effect as to creditors, and hence the said half interest was liable to the payment of the judgment liens reported in said cause, and was regularly sold ~~and~~ under the proceedings of the said cause, and purchased by your orator as will fully appear from the record of said cause.

Your orator will further show unto your honor that certain interests in the said tract of land which contains 123 acres was conveyed to the said Wm. ~~Pennington~~ Greene by Wm. Pennington and others by a deed which is of record in Deed Book No. 22 page 145, Lee County Clerk's Office, and the residue thereof was conveyed to him by H. J. Morgan Commissioner &c. by a deed which is of record in said office in said Deed Book No. 22 page 148, to both of which deeds and to the proceedings in the chancery cause entitled J hn B. Owens for &c. vs. Wm. Daugherty et als. under which the latter was made reference is hereby made, and

your orator respectfully asks that said record may be treated as evidence in this cause.

Your orator further represents that the other half interest in the said tract of land was sold under the proceedings of the aforesaid chancery causes of Morgan v. Greene, and Blankenship v. Greene which were lien creditors suits, and purchased by Mary D. Greene, a daughter of the said Wm. Greene, and he is informed that she still owns the same.

The object of this bill is to have the said one hundred and twenty three acre tract of land partitioned between your orator and the said Mary D. Greene.

Your orator prays, therefore, that the said Mary D. Greene be made a party defendant to this bill of complaint, and that she be required to answer its several allegations, but she need not do so under oath, as that is expressly waived. He further prays that upon a hearing of the said a decree be rendered appointed commissioners to partition the said tract of land, and for full general relief.

May subpoena issue &c., directed &c.,

L. E. Hyatt, p. q.

This Deed, made this 20th day of May, 1904, between

M. G. Ely,

Special Commissioner, as hereinafter set forth, part of the first part, and

L. J. Hyatt, of the County of Lee
State of Virginia, part of the second part:

WHEREAS by a decree of the Circuit Court of the County of Lee
entered on the 19th day of February, 1904, in the chancery cause entitled

G. W. Blankenship vs. Wm Green and others

, therein depending,
it was, among other things, adjudged, ordered and decreed that M. G. Ely

, who was thereby appointed Special Commissioner, for the purpose, shall sell by public auction, after certain advertisement, and upon certain terms in the said decree fully set forth, certain real estate therein described; and

WHEREAS the said M. G. Ely,

pursuant to the said decree, did on the 30th day of April, 1904, after having
duly advertised the same in accordance with the terms of the said decree, offer for sale by public
auction the following described real estate to-wit: a tract of land

Situated on Blackwater in Lee County Va. lying
on a line between Va. Ed Lums, known as the
"Queen's" land, bought by Wm Green from the
Daugherty heirs Ed Vardant, containing 100 acres
more or less, and for a more particular of
said land reference is made to the deeds of
conveyance made to Wm Green now of record
in the Lee County Clerk's Office, This conveys
a one-half undivided interest in the aforesaid
described tract of land pursuant to the
terms of the decree entered in this cause.

At which sale the said L. J. Hyatt made the last and
highest bid therefor, and became the purchaser thereof at the price of

Fifty dollars; and

WHEREAS the said sale was duly reported to the Court by the said Special Commissioner, and

was by another decree, entered in the said cause on the th 20 day of May 1904, by the said Court, approved and confirmed; and

WHEREAS the said L. J. Hyatt hath paid the whole of the said purchase money, which payment was duly reported to the said Court; and whereupon by another decree, entered by the said Court in the said cause on the 20 day of May 1904 the said M. G. Ely was appointed Special Commissioner to execute and deliver to the said

L. J. Hyatt a good and sufficient deed, with special warranty conveying the said real estate to L. J. Hyatt in fee simple:

NOW, THEREFORE, THIS DEED WITNESSETH, That for and in consideration of the premises and in obedience to the said last mentioned decree, the said M. G. Ely,

Special Commissioner as aforesaid, do grant unto the said L. J. Hyatt with special warranty, the real estate hereinbefore fully described.

Witness the following signature and seal :

M. G. Ely
Special Commissioner
SEAL
SEAL
SEAL

State of Virginia, County of Lee to-wit:

I, H. C. Joslyn a Justice of the Peace, for the County aforesaid, in the State of Virginia, do certify that M. G. Ely Special Commissioner whose names is signed to the writing hereto annexed, bearing date on the 20 day of May 1904, has acknowledged the same before me in my County aforesaid. Given under my hand this 20 day of May 1904.

H. C. Joslyn J.P.

In the Circuit Court Clerk's office of the County of Lee the 20th day of December 1904:

This deed was this day presented to me in my said office, and, with the certificate annexed, admitted to record at 1 o'clock P.M.

Teste:

M. E. Hanary Clerk.

M. G. Ealy

Special Commissioner

to } DEED OF
BARGAIN AND SALE.

L. L. Hyatt

1904

Presented in office and, with
certificate, admitted to record at
o'clock *P* M.

Clerk.

Recorded—Deed Book *42*

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Clerk's Fee, - - - \$ *1.25*

Tax, - - - *.50*
\$1.75

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Mary D. Green

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *May* 190*7*, to answer a bill in chancery exhibited against *her*

by L. P. Hyatt

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *18th*
day of *April*, 190*7*, and *31st* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

L. T. Hyatt

VS

SUBPOENA
IN
CHANCERY

Mary D. Green

L. T. Hyatt, p. q.

To

1st May

Rules

Circuit

Court

1897
Executed on the 24 day of April
1907 by delivering a copy of
of the within # Summons

To Mary D. Green

D. H. Mahan D. S.

for P. M. Ball S. L. C.